

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-19 have been canceled in favor of new claims 20-40. Support for the subject matter of the new claims is provided at least in the original claims, Figs. 1-4, and paragraphs 8, 28, 46, 47, and 58 of the specification.

Claims 1-19 were rejected, under 35 USC §102(b), as being anticipated by Kotzin (US 6,173,005). To the extent these rejections may be deemed applicable to new claims 20-40, the Applicant respectfully traverses based on the points set forth below.

The invention defined by claims 20-40 communicates parallel streams of spread data according to a multiple-input multiple-output (MIMO) scheme.

The Applicants note that Kotzin does not disclose MIMO communication and, thus, Kotzin *per force* cannot identically disclose the claimed subject matter.

More specifically, the claimed invention relates to MIMO communication in which a transmitting apparatus spreads and transmits multiple streams of data, addressed to the same communication party, in parallel through a plurality of transmitting antennas and a receiving apparatus despreads and reconstructs the streams of data. Also, the claimed subject matter independently sets the spreading/despreading method for each stream of data.

By contrast to the claimed subject matter, Kotzin discloses diversity transmission of spread data (see Kotzin abstract).

In brief, the claimed subject matter defines MIMO communication and Kotzin discloses diversity transmission. Thus, the claimed subject matter and Kotzin's disclosure relate to

different communication techniques, and Kotzin's teachings bear no pertinence to the Applicant's claimed invention.

Due to these differences in communication techniques, Kotzin does not disclose or suggest configurations necessary for MIMO communication, such as the claimed first and second transmitting sections that perform transmission from a plurality of transmitting antennas using a MIMO scheme (see claims 20 and 40) and a separating section that separates varying data prior to multiplexing, from signals received respectively through first and second receiving antennas, by using a difference in characteristics of channels where the signals pass (see claim 35).

Accordingly, the Applicant respectfully submits that Kotzin does not anticipate the subject matter defined by claims 20-40. Therefore, allowance of claims 20-40 is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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